

MYSHIELLE(MICHAEL)JACQUES, CDCR NO. AX-5885

Name and Prisoner Booking Number

SALINAS VALLEY STATE PRISON

Place of Confinement

P.O. BOX 1050

Mailing Address

SOLEDAD, CALIFORNIA 93960-1050

City, State, Zip Code

FILED

DEC 11 2024

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY AC
DEPUTY CLERK

(Failure to notify the Court of your change of address may result in dismissal of this action.)

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

MYSHIELLE(MICHAEL)JACQUES,

(Full Name of Plaintiff)

Plaintiff,

v.

CASE NO.

2:24-CV-3443-AC(PC)

(To be supplied by the Clerk)

(1) J. BORDEWICK,

(Full Name of Defendant)

(2) A. BENDER,

(3) R. QUICK,

(4) J. SHEETS

Defendant(s).

**CIVIL RIGHTS COMPLAINT
BY A PRISONER**

☒ Original Complaint

☐ First Amended Complaint

☐ Second Amended Complaint

☒ Check if there are additional Defendants and attach page 1-A listing them.

A. JURISDICTION

1. This Court has jurisdiction over this action pursuant to:

☒ 28 U.S.C. § 1343(a); 42 U.S.C. § 1983

☐ 28 U.S.C. § 1331; Bivens v. Six Unknown Federal Narcotics Agents, 403 U.S. 388 (1971).

☐ Other: _____

2. Institution/city where violation occurred: MULE CREEK STATE PRISON/IONE

ATTACHED PAGE 1-A

D.LARIOS;

J.PIERCE;

K.THAO;

K.SHOCK;

C. PREVIOUS LAWSUITS:

d. FOURTH PRIOR LAWSUIT:

1. PARTIES: MICHAEL E. JACQUES V. B. FERREKINS, ET AL
2. COURT AND CASE NUMBER: 2:21-CV-0144-KTN P
3. RESULT: DISMISSED VOLUNTARY ON PLAINTIFF ACTION

e. FIFTH PRIOR LAWSUIT:

1. PARTIES: MICHAEL E. JACQUES V. G. COLLINSWORTH, ET AL.
2. COURT AND CASE NUMBER: 2:21-CV-0145-DMC P
3. RESULT: SETTLEMENT

f. SIXTH PRIOR LAWSUIT:

1. PARTIES: MICHAEL E. JACQUES V. M. SIMPSON, ET AL.
2. COURT AND CASE NUMBER: 2:21-CV-02142-DMC
3. RESULT: PENDING

^{SEVENTH}
g. ~~SIXTH~~ PRIOR LAWSUIT

1. PARTIES: MICHAEL E. JACQUES V. R. QUICK, ET AL.
2. COURT AND CASE NUMBER: 2:22-CV-00811-CKD
3. RESULT: ~~PENDING~~ ~~SUBSTANTIAL~~ PENDING

^{EIGHTH}
h. ~~SEVENTH~~

1. PARTIES: MICHAEL E. JACQUES V. M. SIMPSON, ET AL
2. COURT AND CASE NUMBER: 2:21-CV-02143-KTM-EFB
3. RESULT: SETTLEMENT

B. DEFENDANTS

1. Name of first Defendant: J.BORDEWICK The first Defendant is employed as:
(AT TIME)CORRECTIONAL SERGEANT at MULE CREEK STATE PRISON
(Position and Title) (Institution)
2. Name of second Defendant: A.BENDER D The second Defendant is employed as:
M (AT TIME)CORRECTIONAL OFFICER at MULE CREEK STATE PRISON
(Position and Title) (Institution)
3. Name of third Defendant: R.QUICK The third Defendant is employed as:
(AT TIME)CORRECTIONAL OFFICER at MULE CREEK STATE PRISON
(Position and Title) (Institution)
4. Name of fourth Defendant: J.SHEETS The fourth Defendant is employed as:
(AT TIME)CORRECTIONAL OFFICER at MULE CREEK STATE PRISON
(Position and Title) (Institution)

If you name more than four Defendants, answer the questions listed above for each additional Defendant on a separate page.

C. PREVIOUS LAWSUITS

1. Have you filed any other lawsuits while you were a prisoner? ☒ Yes ☐ No
2. If yes, how many lawsuits have you filed? _____. Describe the previous lawsuits:
 - a. First prior lawsuit:
 1. Parties: MICHAEL E.JACQUES v. J.LOPEZ JR.,ET AL.
 2. Court and case number: 1:16-cv-01289
 3. Result: (Was the case dismissed? Was it appealed? Is it still pending?) SETTLEMENT
 - b. Second prior lawsuit:
 1. Parties: MICHAEL E.JACQUES v. A.GONZALES,ET AL.
 2. Court and case number: 1:16-cv-06862-GW-KS
 3. Result: (Was the case dismissed? Was it appealed? Is it still pending?) SETTLEMENT
 - c. Third prior lawsuit:
 1. Parties: MICHAEL E.JACQUES v. M.BRAHNEY,ET AL.
 2. Court and case number: 2:21-cv-00143
 3. Result: (Was the case dismissed? Was it appealed? Is it still pending?) SETTLEMENT

If you filed more than three lawsuits, answer the questions listed above for each additional lawsuit on a separate page.

C. PREVIOUS LAWSUITS:

d. FOURTH PRIOR LAWSUIT:

1. PARTIES: MICHAEL E. JACQUES V. B. FERREKINS, ET AL.
2. COURT AND CASE NUMBER: 2: 21-CV-0144-KTN P
3. RESULT: DISMISSED VOLUNTARY ON PLAINTIFF ACTION

e. FIFTH PRIOR LAWSUIT:

1. PARTIES: MICHAEL E. JACQUES V. G. COLLINSWORTH, ET AL.
2. COURT AND CASE NUMBER: 2: 21-CV-0145-DMC P
3. RESULT: SETTLEMENT

f. SIXTH PRIOR LAWSUIT:

1. PARTIES: MICHAEL E. JACQUES V. M. SIMPSON, ET AL.
2. COURT AND CASE NUMBER: 2: 21-CV-02142-DMC
3. RESULT: PENDING

g. SEVENTH PRIOR LAWSUIT:

1. PARTIES: MICHAEL E. JACQUES V. M. SIMPSON, ET AL.
2. COURT AND CASE NUMBER: 2: 21-CV-02143-KTM-EFB
3. RESULT: SETTLEMENT

h. EIGHTH PRIOR LAWSUIT:

1. PARTIES: MICHAEL E. JACQUES V. R. QUICK, ET AL.
2. COURT AND CASE NUMBER: 2: 22-CV-00811-CKD
3. RESULT: LITIGATING

D. CAUSE OF ACTION

CLAIM I

1. State the constitutional or other federal civil right that was violated: SEE ATTACHED PAGES 19
2. **Claim I.** Identify the issue involved. Check **only one**. State additional issues in separate claims.
- | | | | |
|--|---|---|---------------------------------------|
| <input type="checkbox"/> Basic necessities | <input type="checkbox"/> Mail | <input type="checkbox"/> Access to the court | <input type="checkbox"/> Medical care |
| <input type="checkbox"/> Disciplinary proceedings | <input type="checkbox"/> Property | <input type="checkbox"/> Exercise of religion | <input type="checkbox"/> Retaliation |
| <input type="checkbox"/> Excessive force by an officer | <input type="checkbox"/> Threat to safety | <input type="checkbox"/> Other: _____ | |
3. **Supporting Facts.** State as briefly as possible the FACTS supporting Claim I. Describe exactly what **each Defendant** did or did not do that violated your rights. State the facts clearly in your own words without citing legal authority or arguments.
- SEE ATTACHED PAGES 5-18
4. **Injury.** State how you were injured by the actions or inactions of the Defendant(s).
- SEE ATTACHED PAGES 8-18
5. **Administrative Remedies:**
- a. Are there any administrative remedies (grievance procedures or administrative appeals) available at your institution? ☒ Yes ☐ No
- b. Did you submit a request for administrative relief on Claim I? ☒ Yes ☐ No
- c. Did you appeal your request for relief on Claim I to the highest level? ☒ Yes ☐ No
- d. If you did not submit or appeal a request for administrative relief at any level, briefly explain why you did not. N/A

CLAIM II

1. State the constitutional or other federal civil right that was violated: SEE ATTACHED PAGES 20-22

2. **Claim II.** Identify the issue involved. Check **only one**. State additional issues in separate claims.

- | | | | |
|--|---|---|---------------------------------------|
| <input type="checkbox"/> Basic necessities | <input type="checkbox"/> Mail | <input type="checkbox"/> Access to the court | <input type="checkbox"/> Medical care |
| <input type="checkbox"/> Disciplinary proceedings | <input type="checkbox"/> Property | <input type="checkbox"/> Exercise of religion | <input type="checkbox"/> Retaliation |
| <input type="checkbox"/> Excessive force by an officer | <input type="checkbox"/> Threat to safety | <input type="checkbox"/> Other: _____ | |

3. **Supporting Facts.** State as briefly as possible the FACTS supporting Claim II. Describe exactly what **each Defendant** did or did not do that violated your rights. State the facts clearly in your own words without citing legal authority or arguments.

SEE ATTACHED PAGES 5-18

4. **Injury.** State how you were injured by the actions or inactions of the Defendant(s).

SEE ATTACHED PAGES 8-18

5. **Administrative Remedies.**

- a. Are there any administrative remedies (grievance procedures or administrative appeals) available at your institution? ☒ Yes ☐ No
- b. Did you submit a request for administrative relief on Claim II? ☒ Yes ☐ No
- c. Did you appeal your request for relief on Claim II to the highest level? ☒ Yes ☐ No
- d. If you did not submit or appeal a request for administrative relief at any level, briefly explain why you did not. _____

N/A

E. REQUEST FOR RELIEF

State the relief you are seeking:

SEE ATTACHED PAGES 23

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 11/16/23(12/5/24)

DATE


SIGNATURE OF PLAINTIFF

(Name and title of paralegal, legal assistant, or
other person who helped prepare this complaint)

(Signature of attorney, if any)

(Attorney's address & telephone number)

ADDITIONAL PAGES

All questions must be answered concisely in the proper space on the form. If you need more space you may attach more pages, but you are strongly encouraged to limit your complaint to twenty-five pages. If you attach additional pages, be sure to identify which section of the complaint is being continued and number all pages. Remember, there is no need to attach exhibits to your complaint.

COMPLAINT FOR MONEY DAMAGES AND JURY TRIAL DEMANDED

I. INTRODUCTION

1. THIS IS A CIVIL RIGHTS COMPLAINT FOR MONETARY DAMAGES OVER THE EXCESSIVE USE OF FORCE, THE UNNECESSARY WANTON INFLICTION OF PAIN, FAILURE TO PROTECT (SPECIFICALLY PLAINTIFF), INTENTIONAL DENIAL OF MEDICAL CARE, INTENTIONAL INTERFERENCE WITH AND DELAY OF MEDICAL TREATMENT, DELIBERATE INDIFFERENCE TO PLAINTIFF'S SERIOUS MEDICAL NEED AND SAFETY, SUBJECTING PLAINTIFF TO RETALIATION AND REPRISAL, IN VIOLATION OF PLAINTIFF'S EIGHTH AND FIRST AMENDMENT GUARANTEED CONSTITUTIONAL FEDERAL RIGHT.

2. THIS IS A CIVIL ACTION AUTHORIZED BY 42 U.S.C. SECTION 1983, TO REDRESS THE DEPRIVATION, UNDER THE COLOR OF THE STATE LAW, OF RIGHTS SECURED BY THE CONSTITUTION OF THE UNITED STATES.

II. JURISDICTION AND VENUE

3. PLAINTIFF BRINGS THIS LAWSUIT PURSUANT TO 42 U.S.C. THIS COURT HAS JURISDICTION UNDER 28 U.S.C. 1331 AND 1343.

4. THE EASTERN DISTRICT IS AN APPROPRIATE VENUE UNDER 28 U.S.C. 1391(b)(2) BECAUSE A SUBSTANTIAL PART OF THE EVENTS OR OMISSION, GIVING RISE TO THE CLAIMS THAT OCCURRED IN THIS DISTRICT.

III. PARTIES

5. PLAINTIFF, JACQUES, MYSHIELLE (MICHAEL), WAS AT ALL TIMES MENTIONED HEREIN A PRISONER OF THE STATE OF CALIFORNIA OF CORRECTIONS AND REHABILITATION (CDCR). PLAINTIFF WAS AT THE TIME OF THIS INCIDENT CONFINED IN MULE CREEK STATE PRISON (MESP), HOWEVER, AT THE TIME OF FILING THIS COMPLAINT IS CONFINED AT SALINAS VALLEY STATE PRISON (SVSP).

PLAINTIFF IS A TRANSGENDER WHO USES FEMININE PRONOUNS; WAS AT THE TIME OF THIS INCIDENT A KNOWN TRANSGENDER AND IS CURRENTLY A TRANSGENDER WOMAN.

DEFENDANTS

6.J.BORDEWICK, A MALE CORRECTIONAL OFFICER SERGEANT EMPLOYED BY CDCR, ASSIGNED TO MCSP 2ND WATCH--SHIFT. ON THE DAY OF APRIL 21, 2022, HE WAS THE ADMINISTRATIVE SEGREGATION PLACEMENT UNIT ASSIGNED 2ND WATCH SHIFT SERGEANT. HE WAS RESPONSIBLE FOR ENSURING THE SAFETY OF PLAINTIFF.

7.A.BENDER, A MALE CORRECTIONAL OFFICER EMPLOYED BY CDCR, ASSIGNED TO MCSP 2ND WATCH-SHIFT. ON THE DAY OF APRIL 21, 2022, HE WAS ASSIGNED TO THE ADMINISTRATIVE SEGREGATION PLACEMENT UNIT 2ND WATCH SHIFT AS A FLOOR STAFF. HE WAS RESPONSIBLE FOR ENSURING THE SAFETY OF PLAINTIFF.

8.R.QUICK, A MALE CORRECTIONAL OFFICER EMPLOYED BY CDCR, ASSIGNED TO MCSP 2ND WATCH-SHIFT. ON THE DAY OF APRIL 21, 2022, HE WAS ASSIGNED TO THE ADMINISTRATIVE SEGREGATION PLACEMENT UNIT 2ND WATCH-SHIFT. HE WAS RESPONSIBLE FOR ENSURING THE SAFETY OF PLAINTIFF.

9.J.SHEETS, A MALE CORRECTIONAL OFFICER EMPLOYED BY CDCR, ASSIGNED TO MCSP 2ND WATCH-SHIFT. ON THE DAY OF APRIL 21, 2022, HE WAS THE ADMINISTRATIVE SEGREGATION PLACEMENT UNIT ASSIGNED 2ND WATCH SHIFT FLOOR STAFF. HE WAS RESPONSIBLE FOR ENSURING THE SAFETY OF PLAINTIFF.

10.D.LARIOS, A FEMALE CORRECTIONAL OFFICER EMPLOYED BY CDCR, ASSIGNED TO MCSP 2ND WATCH-SHIFT. ON THE DAY OF APRIL 21, 2022, SHE WAS THE ADMINISTRATIVE SEGREGATION PLACEMENT UNIT ASSIGNED 2ND WATCH-SHIFT FLOOR STAFF. SHE WAS RESPONSIBLE FOR ENSURING THE SAFETY OF PLAINTIFF.

11.J.PIERCE, A MALE CORRECTIONAL OFFICER EMPLOYED BY CDCR, ASSIGNED TO MCSP 2ND WATCH-SHIFT. ON THE DAY OF APRIL 21, 2022, HE WAS ASSIGNED TO THE ADMINISTRATIVE SEGREGATION PLACEMENT UNIT 2ND WATCH-SHIFT

AS THE PROPERTY OFFICER.HE WAS RESPONSIBLE FOR ENSURING THE SAFETY OF PLAINTIFF.

12.K.THAO,A MALE CORRECTIONAL OFFICER EMPLOYED BY CDCR,ASSIGNED TO MCSP 2ND WATCH-SHIFT.ON THE DAY OF APRIL 21,2022,HE WAS THE ADMINISTRATIVE SEGREGATION PLACEMENT UNIT ASSIGNED 2ND WATCH-SHIFT FLOOR OFFICER.HE WAS NOT ASSIGNED TO THE BUILDING AS A REGULAR STAFF.AT THE TIME OF INCIDENT HE PUT INTO THE TOWER CONTROL BOOTH.HE WAS RESPONSIBLE FOR ENSURING THE SAFETY OF PLAINTIFF.

13.K.SHOCK,A FEMALE NURSE EMPLOYED BY CDCR,ASSIGNED TO MCSP 2ND WATCH-SHIFT.ON THE DAY OF APRIL 21,2022,SHE WAS THE ADMINISTRATIVE SEGREGATION PLACEMENT UNIT ASSIGNED 2ND WATCH SHIFT PSYCHIATRIC TECHNICIAN (PT)

EACH DEFENDANT WAS ACTING UNDER THE COLOR OF STATE LAW,ON APRIL 21,2022, AND EMPLOYED AND WORKING ON THE ABOVE PARTICULAR DAY,THEREFORE BEING SUED IN THEIR INDIVIDUAL CAPACITIES.

IV. EXHAUSTION OF ADMINISTRATIVE REMEDIES

14. PLAINTIFF HAS EXHAUSTED ALL AVAILABLE ADMINISTRATIVE REMEDIES REQUIRED BY PRISON LITIGATION REFORM ACT. ON APRIL 22, 2022, PLAINTIFF SUBMITTED A GRIEVANCE RAISING THE MATTERS STATED IN THIS COMPLAINT WHICH CONTAINS THREE SEPARATE ADMINISTRATIVE APPEALS (CDCR FORM 602-1) ON APRIL 25, 2022, PLAINTIFF WAS ISSUED A RECEIPT THAT APPEALS WERE RECEIVED.

PLAINTIFF TRANSFERRED ON MAY 19, 2022, FROM MULE CREEK STATE PRISON TO CALIFORNIA STATE PRISON-SACRAMENTO (CSP-SAC) SOMETIME IN JUNE 2022. PLAINTIFF RECEIVED MCSP OFFICE OF GRIEVANCE DECISION. ON APRIL 27, 2022, PLAINTIFF FILED AN ADDITIONAL APPEAL. ON APRIL 27, 2022, PLAINTIFF RECEIVED A RECEIPT THAT PLAINTIFF APPEAL WAS RECEIVED BY MCSP.

ON OR ABOUT MAY 10, 2022, PLAINTIFF RECEIVED AN OFFICE OF GRIEVANCE DECISION FROM MCSP WHILE HOUSED AT CSP-SAC. ON MAY 23, 2022, PLAINTIFF FILED AN ADDITIONAL APPEAL.

ON MAY 26, 2022, CSP-SAC FORWARDED THE APPEAL TO MCSP. ON MAY 26, 2022, MCSP CHANGED THE LOG NO. (TO-260753)

ON JUNE 8, 2022, PLAINTIFF WAS ISSUED AN OFFICE OF GRIEVANCE DECISION.

ON JUNE 19, 2022, PLAINTIFF FILED AN APPEAL WITH THE OFFICE OF APPEALS.

ON JUNE 24, 2022, PLAINTIFF RECEIVED A RECEIPT FROM THE OFFICE OF APPEALS.

ON AUGUST 23, 2022, PLAINTIFF RECEIVED A RESPONSE FROM THE OFFICE OF APPEALS WHICH CONTAINED A DECISION.

V. FACTUAL ALLEGATIONS

15. ON APRIL 21, 2022, APPROXIMATELY 0725 HRS, DEFENDANT A. BENDER ESCORTED PLAINTIFF FROM HER ASSIGNED HOUSING MULE CREEK STATE PRISON-ADMINISTRATIVE SEGREGATION PLACEMENT UNIT-C/12(NO.137L) TO AN INTAKE HOLDING CAGE LOCATED INSIDE THE ADMINISTRATIVE SEGREGATION PLACEMENT UNIT. DIRECTLY IN FRONT OF OR AT AN ANGLE TO DEFENDANT J. BORDEWICK ASSIGNED OFFICE (UPON DEFENDANT BORDEWICKS REQUEST.)

16. SHORTLY AFTER PLACEMENT IN THE INTAKE HOLDING CAGE DEFENDANT BORDEWICK EXITED HIS OFFICE WITH AN ORANGE FOLDER. HE HANDED THIS FOLDER TO DEFENDANT A. BENDER. DEFENDANT BORDEWICK EXPLICITLY STATED TO PLAINTIFF "THAT HIM AND OTHER CORRECTIONAL STAFFING HAD BEEN REVIEWING THE DEPOSITION TRANSCRIPTS (THAT WAS SUPPOSE TO BE DELIVERED BY THE MCSP LITIGATION OFFICE) OVER A WEEK PRIOR TO INFORMING PLAINTIFF"

17. PLAINTIFF OBJECTED DUE TO NON-LITIGATION PERSONNEL, AND NON-PARTIES TO THE MATTER READING CIVIL SUIT DEPOSITION TRANSCRIPTS THAT IF AGREED TO GO TO TRIAL WOULD BE ADMISSIBLE (UPON INFORMATION AND BELIEF IS A VIOLATION OF POLICY). PLAINTIFF EXPLICITLY STATED "THAT SHE WAS FILING AN ADMINISTRATIVE APPEAL"

18. DEFENDANT BENDER BECAME UPSET BY THROWING PLAINTIFFS' DEPOSITION TRANSCRIPTS THROUGH THE INTAKE HOLDING CAGES FOOD PORT. THE ORANGE FOLDER THAT WAS SECURING THE TRANSCRIPTS OPENED UP. THE ENTIRE TRANSCRIPT WENT FLEW EVERYWHERE INSIDE THE CAGE INCLUDING THE FLOOR.

19. AS TO THE CLAIM IN PARAGRAPH 18, DEFENDANT BENDER EXPLICITLY STATED "I AM TIRED OF YOU MUTHAFUCKERS FUCKING OVER OUR STAFF WITH THESE FUCKING LAWSUITS AND GRIEVANCES"

20. TO AVOID ANY FURTHER NEGATIVE CONFRONTATION. PLAINTIFF REQUESTED TO BE TAKEN BACK TO HER ASSIGNED HOUSING.

21. AS TO THE CLAIM IN PARAGRAPH 20, DEFENDANT BENDER GRANTED PLAINTIFFS REQUEST, AS PLAINTIFF WAS STILL SECURED IN FULL WAIST CHAIN RESTRAINTS (SHE HAD A WAIST CHAIN WRAPPED AROUND HER WAIST WITH HANDCUFFS ATTACHED TO THE WAIST CHAIN, WHICH EACH OF PLAINTIFFS WRIST SECURED EACH IN THE HANDCUFF RESTRAINTS. THIS PHYSICALLY RESTRAINED PLAINTIFFS HANDS, WRIST, AND ARMS. COMPLETELY RESTRICTING PLAINTIFFS FREE MOVEMENT. HE ESCORTED PLAINTIFF TO HER ASSIGNED HOUSING BY HIMSELF WITHOUT ANY ISSUE.

22. AS PLAINTIFF ENTERED HER ASSIGNED HOUSING THE CONTROL TOWER OFFICER DEFENDANT THAO, IMMEDIATELY COMMENCE TO CLOSING PLAINTIFFS ASSIGNED HOUSING DOOR ELECTRONICALLY, AS NORMAL STANDARD PRACTICE OF AD-SEG.

23. AS TO THE CLAIM IN PARAGRAPH 22, AFTER PLAINTIFFS ASSIGNED HOUSING DOOR WAS CLOSED SECURED ELECTRONICALLY SHUT DEFENDANT BENDER, AS ROUTINE UNLATCHED THE LATCH ON THE SECURITY PORT TO RETRIEVE THE WAIST CHAIN AND HANDCUFF RESTRAINTS.

24. AS TO THE CLAIM IN PARAGRAPH 23, PLAINTIFF EXPLICITLY STATED "TO DEFENDANT BENDER "I FELT VERY UNCOMFORTABLE WITH HIM AND OTHER STAFFING READING MY DEPOSITION TRANSCRIPT DOCUMENTS; PLEASE ALLOW ME TO TALK TO A LIEUTENANT PLEASE!" DEFENDANT BENDER SAID NOTHING TO PLAINTIFF IN RESPONSE.

25. SHORTLY THERE AFTER DEFENDANT BENDER REQUESTED THE CONTROL TOWER OFFICER TO REOPEN MY ASSIGNED HOUSING DOOR. THE TOWER OFFICER REFUSED TO INITIALLY OPEN THE DOOR. WHEN DEFENDANT BENDER REALIZE THE TOWER DEFENDANT THAO, WAS NOT REOPENING THE DOOR. DEFENDANT BENDER WALKED OFF SAYING SOMETHING TO BOTH THE TOWER DEFENDANT THAO, AND, VARIOUS OTHER DEFENDANTS: (J. BORDEWICK; CORRECTIONAL SERGEANT; R. QUICK-CORRECTIONAL OFFICER; J. SHEETS-CORRECTIONAL OFFICER; J. PIERCE-CORRECTIONAL OFFICER; AND D. LARIOUS-CORRECTIONAL OFFICER)

THESE MULTIPLE DEFENDANTS COMMENCED TO PUTTING ON STATE ISSUE GLOVES, AS THEY ALL APPROACHED PLAINTIFFS ASSIGNED HOUSING.

26. AS TO THE CLAIM IN PARAGRAPH 25, BOTH DEFENDANTS QUICK AND BORDEWICK INSTRUCTED DEFENDANT THAO TO REOPEN PLAINTIFFS ASSIGNED HOUSING DOOR (#137) DEFENDANT THAO OBLIGED THAT REQUEST.

27. UPON PLAINTIFF ASSIGNED HOUSING DOOR REOPENING, IMMEDIATELY PLAINTIFF TOOK A SEAT, SO AS NOT TO BE PERCEIVED AS A THREAT BY MEANS OF INNUENDO OR SUGGESTION AS WELL AS BY EXPRESS LANGUAGE VIA BODY OR EXPRESSIVE. WHILE PLAINTIFF WAS SEATED AT HER DESK STILL SECURED IN FULL WAIST CHAIN RESTRAINTS. I CALMLY AND RESPECTIVELY EXPLICITLY STATED "I FEEL UNCOMFORTABLE NOR SAFE THAT YOU ALL HAVE READ MY DEPOSITION TRANSCRIPTS. PLEASE ALLOW ME TO SPEAK TO THE ASSIGNED BUILDINGS ON SHIFT LIEUTENANT THANK YOU" IN ADDITION TO THIS REQUEST MADE BY PLAINTIFF. I MADE IT VERY CLEAR THAT SHE ~~WAS~~ WASN'T REFUSING TO RETURN THE RESTRAINTS.

28. AS TO THE CLAIM IN PARAGRAPH 27, DEFENDANT QUICK EXPLICITLY STATED TO PLAINTIFF "LISTEN YOU'RE NOT A FUCKING WOMAN, SO YOU'RE NOT GOING TO GET YOUR WAY, YOU FAGOT NIGGER" PLAINTIFF WAS SO APPALLED BY HIS EPITHETS, THAT PLAINTIFF WAS OVERWHELMED DUE TO DEFENDANT QUICK'S SEXUAL AND RACIAL EPITHETS THAT I WAS INITIALLY FROZEN AND COULD NOT UTTER WORDS. DEFENDANT BORDEWICK EXPLICITLY STATED TO PLAINTIFF "IF YOU DON'T GIVE US THE FUCKING CUFFS WE ARE GOING TO COME IN THERE AND FUCK YOU UP!"

29. BEFORE PLAINTIFF COULD RESPOND DEFENDANTS QUICK, BENDER, SHEETS, PIERCE, LARIOS, AND BORDEWICK ALL RUSHED INTO PLAINTIFFS ASSIGNED HOUSING WITHOUT ANY WARNING, VIOLATING MULTIPLE CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION-DEPARTMENT OPERATIONAL MANUAL SECTION 51020.12.2 EXTRACTIONS

30. AS TO THE CLAIM IN PARAGRAPH 29, DEFENDANTS INSTEAD OF ABIDING BY, FOLLOWING POLICY AND PROCEDURES, ALL AND EACH DEFENDANT SPECIFICALLY RUSHED

INTO PLAINTIFFS ASSIGNED HOUSING WITHOUT:

A. RIOT HELMETS WITH PROTECTIVE FACE SHIELDS, PROTECTIVE MVEST, RESPIRATOR, ELBOW AND SHIN PROTECTORS, GLOVES, KEVLAR NECK PROTECTOR, AND BLOOD BORNE PATHOGEN PROTECTIVE SUITS;

B. PROTECTIVE SHIELD, APPROX. 22" WIDE AND 48" LONG;

C. HAND-HELD BATONS, HANDCUFFS AND LEG RESTRAINTS;

D. VIDEO CAMERAS WITH BACKUP VIDEO TAPE OR MEDIA AND BACK UP BATTERIES;

E. FAILED TO NOTIFY INCIDENT COMMANDER;

F. NO BRIEFING WAS CONDUCTED

31. AS TO THE CLAIM IN PARAGRAPH 30, ITEMS A-F WERE MANDATED PRIOR TO DEFENDANTS BREACHING PLAINTIFFS THRESHOLD, WHICH THEY CALLOUSLY DISREGARDED.

32. AFTER DEFENDANTS ENTERED PLAINTIFF ASSIGNED HOUSING DEFENDANT QUICK WITH CLOSED FIST COMMENCED STRIKING PLAINTIFF MULTIPLE TIMES DIRECTLY IN HER FACIAL AREA (E.G. BOTH LEFT AND RIGHT EYES, MOUTH, AND NOSE.); IN THE BODY AREA (E.G. CHEST, STOMACH, AND RIBS.); AND THE HEAD AREA.

33. DEFENDANT BENDER WITH CLOSED FIST COMMENCED STRIKING ME MULTIPLE TIMES IN MY FACIAL AREA (E.G. BOTH RIGHT AND LEFT EYES, MOUTH, AND NOSE.); THE BODY AREA (E.G. CHEST, STOMACH, AND RIBS.); AND THE HEAD AREA.

34. DEFENDANT SHEETS WITH CLOSED FIST COMMENCED TO STRIKING PLAINTIFF MULTIPLE TIMES IN HER HEAD AND THE BODY AREA (E.G. CHEST AND RIBS.)

35. AFTER THE DEFENDANTS IN PARAGRAPHS 32-34, EACH TOOK TURNS AFTER EACH OTHER IN STRIKING ME ABOUT THE FACE, BODY, AND HEAD AREA, DEFENDANT BORDEWICK CONTINUED TO ORDER, INSTRUCT, AND ENCOURAGE HIS SUBORDINATES TO ASSAULT AND BATTER ME, AND INFLICT EXCESSIVE FORCE UPON PLAINTIFFS PERSON BY EXPLICITLY

STATING "FUCK THIS PIECE OF SHIT UP. TEACH HIM TO OBEY!"

36. AS TO THE CLAIM IN PARAGRAPHS 32-35, DEFENDANTS PIERCE, LARIOS, AND BORDEWICK IDLY STOOD BY AND WATCHED THE EXCESSIVE FORCE PLAINTIFF WAS SUBJECTED TO, INSTEAD OF INTERVENING PREVENTING THE EXCESSIVE FORCE.

37. AS TO THE CLAIM IN PARAGRAPH 36, EACH DEFENDANT SPECIFICALLY NAMED IN PARAGRAPH 36, HAD A REALISTIC OPPORTUNITY TO STOP THE EXCESSIVE FORCE INFLICTED UPON PLAINTIFF JACQUES, WITHOUT ANY LEGITIMATE PENOLOGICAL PURPOSE, WHILE SECURED IN WAIST/BELLY CHAIN RESTRAINTS WITH HANDCUFFS ATTACHED TO THE WAIST/BELLY CHAIN RESTRAINTS, WHICH COMPLETELY RESTRICTED MOVING PARTS OF PLAINTIFFS BODY (E.G. HANDS, WRIST, AND ARMS.), INCLUDING THE FACT PLAINTIFF JACQUES WAS ENABLE TO PROTECT HERSELF FROM THE AGGRAVATED ASSAULT SHE SUFFERED AT THE HANDS OF THE DEFENDANTS (QUICK, BENDER, AND SHEETS.) INSPITE, OF THE DEFENDANTS (PIERCE, LARIOS, AND BORDEWICK.) HAVING A DUTY TO INTERVENE STOPPING THE EXCESSIVE FORCE AND AGGRAVATED ASSAULT PLAINTIFF SUFFER AT THE HANDS OF THE ABOVE DEFENDANTS, THE DEFENDANTS DID NOTHING TO STOP THE CONTINUING FORCE, DESPITE PHYSICAL INJURIES APPEARING. ("BROKEN NOSE"), AND FACIAL SWELLING.

38. SHORTLY THEREAFTER EACH DEFENDANT (QUICK, BENDER, AND SHEETS.) TURN WAS COMPLETED USING AGGRAVATED ASSAULT AND EXCESSIVE FORCE ON PLAINTIFF. DEFENDANTS QUICK PICKED ME UP CARRYING ME FROM INSIDE OF MY ASSIGNED HOUSING BY MY WRIST AND ARMS, WHILE BENDER ASSISTED CARRYING ME BY MY FEET AND LOWER EXTREMITIES, DESPITE ME DISCHARGING BLOOD FROM MY NOSE, AND SLAMMED ME ON THE CONCRETE GROUND CAUSING ME TO LOSE COMPLETE CONSCIOUSNE

39. AS PLAINTIFF REGAINED CONSCIOUS, AS SHE LAID IN A PUDDLE OF BLOOD DISCHARGING FROM HER NOSE DEFENDANTS PIERCE AND QUICK WERE USING THEIR KNEES COMING DOWN ON THE CERVICAL SPINE OF PLAINTIFF, INCLUDING HER SPINAL CORD AREA.

40. DEFENDANT QUICK PLACED PLAINTIFF IN A POSITIONAL ASPHYXIA; INSPITE OF PLAINTIFF INFORMING DEFENDANTS QUICK AND PIERCE, INCLUDING OTHER DEFENDANT WHO JUST STOOD THERE THAT I COULD NOT BREATHE. I WAS COMPLETELY IGNORED. DEFENDANT QUICK COMMENCED TO SQUEEZING PLAINTIFFS THROAT HARDER CUTTING OF HER WIND PIPE. THIS CAUSED PLAINTIFF TO PANIC DUE TO SHE WAS (1) ALREADY SECURED IN FULL WAIST CHAIN RESTRAINTS, (2) THE FULL WEIGHT OF BOTH DEFENDANTS QUICK AND PIERCE ON BOTH MY CERVICAL SPINE AND SPINAL CORD AREA, AND (3) I COULD NOT BREATHE THROUGH MY NOSE.

41. DEFENDANT BORDEWICK EXPLICITLY STATED TO DEFENDANTS PIERCE, QUICK, AND ALL OTHER DEFENDANTS STANDING AROUND. "WE FUCKED HIM UP. WE HAVE TO COVER OUR ASS. COVER OUR ASS. CALL A CODE 1 (ONE)". (DEFENDANT BORDEWICK WAS REFERRING TO PLAINTIFF JACQUES, WHEN HE INDICATED TO HIS SUBORDINATES WE FUCKED HIM UP.) DEFENDANT QUICK EXPLICITLY STATED "HE SPIT RIGHT. GET A SPIT MASK". A SPIT MASK WAS PROVIDED TO DEFENDANT QUICK. HE PLACED THE SPIT MASK ON PLAINTIFF, INSPITE OF THIS BEING COMPLETELY FABRICATED BY DEFENDANTS THAT PLAINTIFF IN FACT SPIT ON DEFENDANT QUICK.,

42. AFTER DEFENDANT LARIOS PLACED PLAINTIFF IN LEG RESTRAINTS. THEY WERE EXCESSIVELY TIGHT. PLAINTIFF COULD FEEL SHE WAS COMMENCING TO LOSE CIRCULATION IN MY LOWER EXTREMITIES. DESPITE IN DESPITE OF PLAINTIFF JACQUES, AGAIN AND AGAIN TELLING DEFENDANT LARIOS AND OTHER DEFENDANTS THAT THE RESTRAINTS ON MY LEGS, AROUND MY WAIST, AND AROUND MY WRIST WERE EXCESSIVELY TIGHT AND CAUSING CIRCULATION PREVENTING. PLAINTIFF WAS JUST IGNORED.

43. AS TO THE CLAIM IN PARAGRAPH 42, DEFENDANT LARIOS AFTER SECURING PLAINTIFF IN LEG RESTRAINTS, EXPLICITLY STATED "SHUT THE FUCK UP". SHE THEN COMMENCED TO KICKING PLAINTIFF JACQUES IN HER BODY AREA (E.G. LEGS).

44. AS PLAINTIFF WAS BEING ESCORTED TO AN INTAKE HOLDING CAGE SHE MADE VARIOUS DEFENDANTS AWARE SHE REQUIRED IMMEDIATE MEDICAL ATTENTION DUE TO HER EXPERIENCING SEVERE PAIN IN HER CERVICAL SPINE AND NOSE. UNBEKNOWNST TO PLAINTIFF AT THE TIME SHE SUSTAINED DAMAGE TO BOTH HER CERVICAL SPINE AND NOSE.

45. AFTER PLAINTIFF WAS SECURED INSIDE THE HOLDING CAGE SHE AGAIN PUT THE DEFENDANTS ON NOTICE, INCLUDING DEFENDANT SHOCK, HER ASSIGNED NURSE ON THAT PARTICULAR DAY OF APRIL 21, 2022; THAT SHE WAS IN NEED OF MEDICAL CARE BECAUSE SHE WAS EXPERIENCING SEVERE PAIN IN HER CERVICAL SPINE, HER HEAD (FRONT & BACK.), AND HER NOSE, WHICH WAS BLEEDING PROFUSELY. UNABLE TO REALLY STAND STRAIGHT AND BECOMING DIZZY. NOT ABLE TO FULLY BALANCE MYSELF PLAINTIFF EXPLAINED TO DEFENDANT SHOCK THAT HER HEAD WAS SLAMMED TO THE GROUND CAUSING HER TO LOSE CONSCIOUSNESS. SHE OR NO OTHER DEFENDANT TOOK ANY ACTION.

46. DEFENDANT BORDEWICK THEN INSTRUCTED DEFENDANT SHOCK TO MINIMIZE PLAINTIFF INJURIES THAT WERE ACTUALLY DISCOVERED UPON HER PERSON (SUSTAINED BY THE DEFENDANTS IN THIS CASE: QUICK, BENDER, SHEETS, PIERCE, AND LARIOS.), SO NOT TO REVEAL THE FULL INJURY STATUS OF PLAINTIFF. DEFENDANT SHOCK EXPLICITLY STATED TO DEFENDANT BORDEWICK "I AM NOT ON INMATES SIDE. I ROCK THE BLUELINE". BOTH DEFENDANTS THEN COMMENCED TO SHARING LAUGHS BETWEEN EACH OTHER WHILE DIRECTLY IN FRONT OF PLAINTIFF.

47. DEFENDANT SHOCK TURNED TO PLAINTIFF FINALLY ASKING HER WHAT INJURIES SHE HAVE. AS PLAINTIFF COMMENCED TO DESCRIBING HER INJURIES DEFENDANT SHOCK, IN RESPONSE EXPLICITLY STATED "YOU CAN'T HAVE ALL THOSE FUCKING

INJURIES!" SHE IMMEDIATELY STARTED LAUGHING WHILE WALKING OFF. SHE COMPLETELY REFUSED TO DOCUMENT ALL OF PLAINTIFFS INJURIES ON A CDCR-7219 MEDICAL INJURY REPORT, INCLUDING PLAINTIFFS STATEMENT IN HER OWN WORDS. SHE ALSO REFUSED TO PROVIDE PLAINTIFF WITH ANY KIND OF MEDICAL CARE IN DESPITE OF BEING AWARE PLAINTIFF WAS PROFUSELY BLEEDING FROM HER NOSE, WHICH WAS BROKEN HOWEVER, UNBEKNOWNST TO PLAINTIFF AT THE TIME, DUE TO HER HAVING NO MEDICAL EXPERIENCE AS A LICENSED MEDICAL OFFICIAL.

48. AS TO THE CLAIM IN PARAGRAPH 47, UPON INFORMATION AND BELIEF, DEFENDANT SHOCK VIOLATED POLICY WHEN SHE REFUSED TO COMPLETE A CDCR-7219 IN THE PRESENCE OF PLAINTIFF. ALL DOCUMENTED CDCR-7219 MEDICAL INJURY REPORT-MEDICAL EVALUATION ARE TO BE COMPLETED IN THE PRESENCE OF AN INMATE

49. PLAINTIFF JACQUES WAS CONFINED INSIDE THE INTAKE HOLDING CAGE OVER A 4 (FOUR) PERIOD UNSUPERVISED BY EITHER CUSTODY OR MEDICAL PERSONNEL, NOR PROVIDED WITH ANY MEDICAL CARE. FROM 0755-1215 HRS, PLAINTIFF WAS CONFINED INSIDE THE INTAKE HOLDING CAGE WHILE SECURED IN FULL WAIST AND LEG CHAIN RESTRAINTS THAT WERE EXCESSIVELY TIGHT AND CAUSING PLAINTIFFS HANDS TO TURN BLuish/PURPLE, HER WRIST EXTREMELY RED, IRRITATED, AND SORE. BOTH HER HANDS AND FEET WERE GOING NUMB. PLAINTIFF WAS DENIED THE OPPORTUNITY TO THE RESTROOM FACILITIES, GET A DRINK OF WATER. THIS CAUSED PLAINTIFF TO HAVE TO GO TO THE RESTROOM ON HERSELF BECAUSE THIS WAS THE ONLY WAY SHE COULD RELIEVE HERSELF.

50. AS TO THE CLAIM IN PARAGRAPH 49, THESE PARTICULAR DEFENDANTS WHO REFUSED TO ALLOW PLAINTIFF ACCESS TO THE BATHROOM FACILITIES OR LOOSEN THE RESTRAINTS ON EITHER OF THE HANDS, WRIST, WAIST, OR LEGS. (BORDEWICK, QUICK, SHEETS, BENDER, AND LARIOS.) DEFENDANT SHOCK, WHO WAS MEDICALLY

LICENSED, WITNESSED PLAINTIFF INJURIES, YET FAILED TO PROVIDE MEDICAL CARE EVEN IN DESPITE OF PLAINTIFF REQUESTING IT.

51. DEFENDANT BORDEWICK ACCOMPANIED BY DEFENDANTS QUICK, BENDER, AND SHOCK ALL BRIEFLY VISTED PLAINTIFF PRIOR TO NOON ~~PTIL~~ CALL; WHILE STILL SECURE INSIDE THE INTAKE HOLDING CAGE. DEFENDANT BORDEWICK EXPLICITLY STATED "IF YOU WOULDN'T HAVE CONTINUED TO REPEATLY ASK TO SPEAK TO THE LIEUTENANT YOU WOULDN'T BE HERE, AND THIS INCIDENT WOULD NOT HAVE HAPPENED TO YOU. LOOK IF YOU DON'T SAY ANYTHING ABOUT WHAT HAPPENED, AND ABOUTN THE NURSE NOT DOCUMENTING ALL YOUR INJURIES" WE'LL HAVE THE RN CLEAN YOUR WOUNDS, AND TAKE YOU BACK TO YOUR CELL. IF YOU SAY ANYTHING CONCERNING WHAT TOOK (HE POINTED TO HISSELF AND OTHER DEFENDANTS) WERE GOING TO MAKE DAMN. SURE YOU DON'T LEAVE AD-SEG FOR A LONG PERIOD OF TIME. WHAT WE SAY GO, YOU ALREADY KNOW NO ONE IS GOING TO BELIEVE YOU OVER US"

52. AS TO THE CLAIM IN PARAGRAPH 51, DEFENDANT BORDEWICK ACCOMPANIED BY THE ASSIGNED RN (JAMES MCCRORY) TO THE HOLDING CAGE PLAINTIFF WAS SECURED IN. THE AD-SEG SERGEANT DEFENDANT BORDEWICK REQUESTED THAT THE RN MR. MCCRORY PERFORM WOUND/DRESSING FOR PLAINTIFF JACQUES'S WOUNDS, DUE TO A CELL EXTRACTION. HOWEVER, BECAUSE OF THE FACIAL SWELLING SUSTAINED TO INMATES FACIAL AREA, AND PERSISTENT BLEEDING TO PLAINTIFF JACQUES'S NOSE, THE RN-MCCRORY INFORMED DEFENDANT BORDEWICK THAT PLAINTIFF NEEDED TO BE TRANSPORTED TO THE MCSP INSTITUTIONS TTA FORM EXTENSIVE ASSESSMENT"

53. AS TO THE CLAIM IN PARAGRAPH 52, DEFENDANT BORDEWICK BECAME UPSET WHEN THE RN REFUSED TO PERFORM WOUND/DRESSING PRIOR TO BEING SEEN BY THE DOCTOR IN THE MCSP INSTITUTIONS TTA. AS A RESULT PLAINTIFF WAS JUST LEFT IN THE INTAKE HOLDING CAGE AN ADDITIONAL HOUR (12:15PM) AFTER VISTED BY THE ASSIGNED RN-MCCRORY (11:14AM) DEFENDANT BORDEWICK REFUSED TO STILL LOOSEN OR REMOVE THE RESTRAINTS, NOR ALLOWED PLAINTIFF RESTROOM, AND WATER BREAKS

54. AS TO THE CLAIM IN PARAGRAPH 53, PLAINTIFF INFORMED THE DEFENDANTS SHE WOULD BE FILING AN ADMINISTRATIVE (CDCR FORM 602-1) APPEAL. DEFENDANTS QUICK RESPONDED EXPLICITLY STATING "THAT'S WHY YOU'RE IN THE FUCKING POSITION YOU'RE IN NOW, BECAUSE YOU SNITCH ON STAFF". BEFORE PLAINTIFF COULD RESPOND DEFENDANT BORDEWICK EXPLICITLY STATED "YOU'RE IN THIS POSITION BECAUSE OF YOUR GRIEVANCES". DEFENDANT BORDEWICK EXPLICITLY STATED "IF YOU GO TO THE TTA, AND SAY ANYTHING YOU'LL WISH YOU FUCKING DIDN'T". PLAINTIFF JUST AVOIDED THE ENTIRE CONFRONTATION BY REFUSING TO SAY ANYTHING.

55. ON APRIL 21, 2022, APPROXIMATELY 12:15PM, PLAINTIFF JACQUES'S WAS TRANSPORTED VIA WHEELCHAIR TO THE TTA. SHE WAS SEEN BY THE TTA-~~P&S~~ DOCTOR SNOOK, BRIAN, WHO MEDICALLY EVALUATED ME FOR FACIAL TRAUMA. HE DOCUMENTED PLAINTIFF WAS IN DISTRESS, OBVIOUS BLOOD ON FACE/BELOW NOSE ONTO THE FRONT OF SHIRT. BRIDGE OF NOSE SWOLLEN, NOSTRILS CAKED WITH BLOOD, SWELLING ON THE LEFT MAXILLA, AND POTENTIAL BROKEN NASAL BONES.

56. PLAINTIFF WAS THEN SEEN BY THE TTA-RN ANDERSON, BOWMARIE. SHE COMPLETED A THOROUGH CDCR-7219 MEDICAL INJURY REPORT-MEDICAL EVALUATION. VARIOUS INJURIES WERE DISCOVERED. (ACTIVE BLEEDING FROM PLAINTIFF'S NOSE, ABRASIONS, PAIN, AND SWELLING ALL SUSTAINED TO PLAINTIFF'S NOSE AREA. HER CERVICAL SPINE, KNEE, FRONT AND BACK HEAD AREA ALL SUSTAINED INJURIES.)

57. AS TO THE CLAIM IN PARAGRAPH 56, PLAINTIFF WAS TRANSPORTED TO THE SUTTER HOSPITAL-EMERGENCY DEPARTMENT ROOM, WHERE A CT AND MRI SCAN WERE COMPLETED. VARIOUS INJURIES WERE DISCOVERED (CONCUSSION, CERVICAL FRACTURE, SPINAL CORD INJURY, FACIAL FRACTURE, CONTUSION, LACERATION), ALL STEMMING FROM AN ASSAULT ON MY PERSON. A 45-PAGE REPORT WAS RETURNED GENERATED.

58. PLAINTIFF, IN DESPITE OF FILING AN ADMINISTRATIVE (CDCR FORM 602-1) APPEAL LOG#248607-CLAIM #001 AND #003, RECEIVED A RESPONSE FROM THE OFFICE OF GRIEVANCE DECISION CLAIM #001 SUB-CATEGORY: USE OF FORCE. IT EXPLICITLY STATED "THE CALIFORNIA DEPARTMENT AND REHABILITATION RECEIVED YOUR GRIEVANCE ON 4/25/2022 WHICH YOU SUBMITTED ON 4/22/2022... PURSUANT TO THE CALIFORNIA CODE OF REGULATIONS, TITLE 15, YOUR CLAIM HAS BEEN IDENTIFIED AS AN ALLEGATION OF STAFF MISCONDUCT, MEANING IT WILL BE REFERRED OUTSIDE THE GRIEVANCE AND APPEAL PROCESS TO AN APPROPRIATE AUTHORITY WITHIN THE DEPARTMENT FOR THE PURPOSE OF GATHERING FACTS NEEDED TO PROVE OR DISPROVE THE ALLEGATION. A SEPARATE RESPONSE WILL BE PROVIDED TO YOU AT THE CONCLUSION OF THAT PROCESS." THIS WAS THE SAME LANGUAGE FOR CLAIM #003... **THIS SPECIFIC** PROCEDURE USED BY THE MCSP OFFICE OF GRIEVANCE UTILIZED IMPEDED PLAINTIFF JACQUES'S PROCESS FOR CIVIL SUIT PURPOSES. (1) THE PROCEDURE WAS DEAD END, BECAUSE YET TO THIS DATE, PLAINTIFF HAS NEVER RECEIVED A SEPARATE RESPONSE TO PROVE OR DISPROVE PLAINTIFFS ALLEGATIONS. THIS SHOWED OFFICERS UNABLE OR CONSISTENTLY UNWILLING TO PROVIDE PLAINTIFF ANY RELIEF; (2) PRACTICALLY SPEAKING, THE ADMINISTRATIVE REMEDIES ARE SO CONFUSING OR COMPLEX WITH THE RESPONSE PROVIDED TO PLAINTIFF, THAT NO ORDINARY PERSON CAN USE IT; AND (3) OF THE MANY TYPE RESPONSES THAT THE OFFICE OF GRIEVANCES CAN ISSUE UNDER (15 CCR 3483(i).) THOSE TYPES WERE NOT PROVIDED TO PLAINTIFF. MOREOVER, THIS SPECIFIC CASE WAS FILED BY PLAINTIFF PERSONALLY USING THE CDCR LEGAL MAIL SYSTEM, IN WHICH PLAINTIFF FOLLOWED ALL PROCEDURES. I FILED THIS CASE ON NOVEMBER 16, 2023. **ON THAT** PARTICULAR DAY PLAINTIFF HANDED HER MAIL TO CORRECTIONAL OFFICER A. GOMEZ. ON 11/16/23 OFFICER GOMEZ REFUSED TO SEAL PLAINTIFFS LEGAL MAIL IN HER PRESENCE WITH TAPE. I FILED AN ADMINISTRATIVE (CDCR FORM 602-1) APPEAL LOG#481820... THE MERITS OF PLAINTIFFS ARGUMENTS WERE OFFICERS ARE REQUIRED TO HAVE TAPE AND OTHER MEANS FOR SEALING INMATES LEGAL MAIL IN THE PRESENCE OF INMATES

WHO USE THE CDCR INSTITUTIONS LEGAL MAILING SYSTEM. PER THE CAL. CODE OF REGS, TITLE 15 SECT, SUBD. (a) CONFIDENTIAL CORRESPONDENCE IS A RIGHT GUARANTEED BY LAW. PLAINTIFF GOT IN CONTACT WITH AN ATTORNEY INVOLVING THIS CASE. I EXPLAINED THAT I HAVE FILED MY CASE 11/16/2023, I HAVE YET TO HEAR FROM THE EASTERN DISTRICT COURT. MR. KISOB, CHECKED THE ELECTRONIC SYSTEM FOR THE EASTERN DISTRICT AND IT DIDN'T SHOW PLAINTIFFS CASE IN THIS MATTER WAS FILED. ON 11/18/2024, IS WHEN ATTORNEY KISOB CHECKED THE COURT-EASTERN DISTRICT SYSTEM. BECAUSE THERE IS NO ELECTRONIC FILING AT THE SVSP, IT WAS IMPOSSIBLE FOR PLAINTIFF TO HAVE KNOWN THAT HER COMPLAINT HAD NOT EVEN BEEN FILED. NO PENALTY SHOULD COME TO PLAINTIFF, FOR PLAINTIFF DID NO WRONG DOING, NOR IS IT ANY FAULT OF PLAINTIFF THAT HER COMPLAINT WASN'T YET FILED.

59. IN THIS CASE PLAINTIFF RECEIVED AN RVR-115 LOG#7179044#SPECIFIC ACT: AGGRAVATED BATTERY ON A NON-INMATE BY MEANS OF GASSING. INITIALLY I DIDN'T POSTPONE THIS RVR-115. WHILE IN AD-SEG MY QUESTIONS FOR VARIOUS WITNESSES CAME UP MISSING AFTER ATTENDING REC YARD. I WAS FORCED TO POSTPONE ON MAY 17, 2022. PLAINTIFF WAS TRANSFERRED TO CALIFORNIA STATE PRISON-SACRAMENTO THE SAME DAY. AFTER ARRIVING AT DCSP-SAC, ON 1/30/2023 AND 2/9/2023 PLAINTIFF FILED TWO GA-22 FORMS, SHE RECEIVED NO RESPONSE REQUESTING TO REVOKE POSTPONEMENT. ON 2/21/2023, PLAINTIFF FILED A FORM-22 WHICH REQUIRE A STAFF SIGNATURE. PLAINTIFF STILL RECEIVED NO RESPONSE. PLAINTIFF WAS FORCED TO FILE AN ADMINISTRATIVE (CDCR FORM 602-1) APPEAL LOG#377275; DATED 3/20/23 ON 3/29/2023, PLAINTIFF FILED AN APPEAL TO THE OFFICE OF APPEALS. ON 8/2/2023, PLAINTIFF RECEIVED A DECISION FROM THE OFFICE OF APPEALS INDICATING THE TIME EXPIRED AT THE OFFICE OF APPEALS LEVEL. THEREFORE, NO RESPONSE WAS EVER PROVIDED TO ME FROM THE OOA, EXCEPT INDICATING TIME EXPIRED. PLAINTIFF ATTENDED HER DISCIPLINARY HEARING ON 5/3/2023. THE AGGRAVATED BATTERY ON A NON-INMATE BY MEANS OF GASSING WAS DROPPED.

60. IN THE BODY OF THE RVR-115 DEFENDANT QUICK ADMITTED TO STRIKING PLAINTIFF ONCE IN THE FACIAL AREA. HE IS THE ONLY DEFENDANT THAT ADMITTED THAT HE PHYSICALLY STRUCK ME. HOWEVER, THAT IS IMPOSSIBLE THAT HE (1) ONLY STRUCK ME ONCE IN THE FACIAL AREA AND (2) THAT HE WAS THE ONLY DEFENDANT THAT STRUCK PLAINTIFF. DEFENDANTS QUICK AND BENDER BOTH STRUCK PLAINTIFF REPEATEDLY IN HER FACIAL AREA, HEAD, AND BODY. DEFENDANT SHHETS STRUCK ME REPEATEDLY IN THE HEAD AND BODY. DEFENDANT PIERCE AND QUICK BOTH DAMAGED PLAINTIFFS CERVICAL SPINE BY COMING DOWN WITH THEIR KNEES ON MY CERVICAL SPINE. DEFENDANT LARIOS KICKED ME SEVERAL TIMES AFTER APPLYING LEG RESTRAINTS.

61. AS TO THE CLAIM IN PARAGRAPH 60, ON 6/20/2022, PLAINTIFF WAS SEEN BY ASSIGNED NEUROSURGEON SENEGOR, MORRIS. HE RECOMMENDED INITIALLY PHYSICAL CONSERVATIVE THERAPY TO PLAINTIFFS CERVICAL AND LUMBAR REGIONS. DUE TO CDCR DIDN'T PROVIDE THE SUTTER EMERGENCY ROOM MRI IMAGES, HE WAS FORCED TO MAKE THIS RECOMMENDATION. PLAINTIFF FAILED PHYSICAL THERAPY BECAUSE TO FAR DAMAGED. ON 9/19/2022, PLAINTIFF WAS AGAIN SEEN BY HER NEUROSURGEON SPECIALIST. AFTER HIS REVIEW OF THE MRI FROM SUTTER EMERGENCY ROOM, AND THE FACT THAT PLAINTIFF CONDITIONS WORSENER. HE ORDER A SURGICAL PROCEDURE C5-6, C6-7 ARTHROPLASTY WITH MOBI-C DEVICES, ZIMMER.

62. AS TO THE CLAIM IN PARAGRAPH 60, ON 10/11/2022, PLAINTIFF WAS SEEN BY HER ASSIGNED ENT-SPECIALIST GRAY, ROBERT. DUE TO THE ASSAULT ON APRIL 21, 2022 WHERE SHE WAS SUBSEQUENTLY SEEN IN THE EMERGENCY ROOM A CT SCAN OF THE FACIAL BONES DEMONSTRATED A MINIMALLY DISPLACED NASAL FRACTURE. PLAINTIFF WAS BECAUSE OF HER DEVIATED SEPTUM TO THE RIGHT. SHE WAS GIVEN FLONASE AND A NASAL SALINE IRRIGATION. ON 11/29/2022, PLAINTIFF WAS SEEN BY HER ENT-SPECIALIST AGAIN. BECAUSE MEDICAL THERAPY FAILED/ UNSUCCESSFUL. A SURGERY WAS REQUESTED. A "SEPTOPLASTY". ON 2/22/2023, PLAINTIFF WAS TAKEN INTO SURGERY. ONCE IN SURGERY PLAINTIFF HAD TO HAVE BILATERAL SURGERY DUE TO

THE SEVERITY OF THE DAMAGE.

63. AS TO THE CLAIM IN PARAGRAPH 60, PLAINTIFF WHILE HOUSED AT MCSP HAS MULTIPLE CDCR-7362'S SHOWING THE SUFFERING PLAINTIFF EXPERIENCED. (*HEAD ACHES, BLISSY, SWIMMY, WOZZY; UNABLE TO BREATHE THROUGH HER NOSE, BLOOD RUNNING FROM HER NOSE; ABRASIONS AND CUTS TO HER FACIAL AREA, BOTH WRIST, AND BOTH ANKLES; PURPLE COLOR AROUND BOTH EYES AND DEEPLY BRUISED; BOTH CERVICAL AND SPINAL PAIN, WHICH WORSENEED.) PLAINTIFF EXPERIENCED THIS FROM 4/22/2022-5/19/2022. THERE WERE DAYS THE PAIN WAS TOTALLY UNBARABLE / PAINFUL.

64. AS TO THE CLAIM IN PARAGRAPH 60, PLAINTIFF WHILE HOUSED AT CSP-SAC CONDITIONS WORSENEED THEN SHOWN IN PARAGRAPH 63. PLAINTIFF EXPERIENCED THESE SYMPTOMS AND PAIN FROM 5/20/2022-2/27/2023. SINCE TRANSFERRING TO SALINAS VALLEY STATE PRISON, PLAINTIFF HAS EXPERIENCED SIMILAR SYMPTOMS.

PLAINTIFF

65. ~~PLAINTIFF~~ SUFFERED SEVERE MENTAL HEALTH ISSUES AS WELL, AS TO THE CLAIM IN PARAGRAPH 60. FROM APRIL 2022-DECEMBER 2024 (THOSE SYMPTOMS ARE (PTSD, TRAUMA, NIGHTMARES, AND SEVERE MENTAL DISTRESS.))

66. PLAINTIFF CONTACTED ROSENBIEN, GALVAN, AND GRUNFELD (RBGG) ATTORNEYS WHO REPRESENT ~~INMATES~~ INMATES WHO ARE PARTICIPANTS OF THE MENTAL HEALTH - CCCMS OR EOP LEVEL OF CARE. ON APRIL 23, 2023, PLAINTIFF JACQUES MADE TWO OF HER LAST CONTACTS VIA LETTER, AND AGAIN ON APRIL 28, 2023, VIA VOICEMAIL. ON MAY 9, 2023, PLAINTIFF RECEIVED A LETTER FROM RBGG ATTORNEYS WHO CONDUCTED AND COMPLETED AN INVESTIGATION INTO THE APRIL 21, 2022 INCIDENT WHICH LEAD TO A GENERATED RVR-115 LOG # 7179044. THEIR INVESTIGATION LEAD TO DISCOVERY THAT, THE FALSE RVR I RECEIVED FOR ARIEGLY SPITTING ON AN OFFICER WAS FALSE THEY SUBMITTED AN ADVOCACY LETTER TO CDCR INFORMING THEM OF THIS TO NO AVAIL.

VI. CLAIMS FOR RELIEF

A. FIRST CLAIM FOR RELIEF

PLAINTIFF'S FIRST AMENDMENT RIGHT WAS VIOLATED WHEN SHE WAS RETALIATED AGAINST FOR EXERCISING HER CONSTITUTIONAL RIGHT("PROTECTED CONDUCT")

67. PLAINTIFF JACQUES REALLEGES AND INCORPORATES BY REFERENCE EACH ALLEGATION OF PARAGRAPH 1 THROUGH 66, INCLUSIVE, AS THOUGH THEY WERE STATED FULLY HEREIN.

68. DEFENDANT BENDER, QUICK, AND BORDEWICK VIOLATED PLAINTIFFS' FIRST AMENDMENT RIGHT, WHEN THEY INTENTIONALLY RETALIATED AGAINST ME, FOR DOING SOMETHING SHE HAD A CONSTITUTIONAL RIGHT TO DO "PROTECTED CONDUCT" WHAT ABOVE DEFENDANTS DID WAS SO BAD THAT IT WOULD STOP AN "AVERAGE PERSON" FOR CONTINUING THEIR GRIEVANCES, "ADVERSE ACTION" THESE DEFENDANTS DID WHAT THEY DID TO PLAINTIFF BECAUSE PLAINTIFF WAS EXERCISING HER FIRST AMENDMENT RIGHT. "CAUSAL CONNECTION" (SEE PARAGRAPHS 16-19 AND 51-54.)

69. DEFENDANTS WRONGFUL ACTIONS ALLEGED HEREIN ARE IN VIOLATION OF 42 U.S. SECTION 1983; THEY DEPRIVE PLAINTIFF OF HER RIGHTS, BENEFITS, AND PRIVILEGES SECURED BY THE UNITED STATES CONSTITUTION.

70. DEFENDANTS ACTS WERE WILLFUL, INTENTIONAL, MALICIOUS, WANTON, AND DESPICABLE IN CONSCIOUS DISREGARD OF PLAINTIFFS' CONSTITUTIONAL FEDERAL RIGHT GUARANTEED PROTECTED CONSTITUTIONAL RIGHTS, ENTITLING PLAINTIFF TO AN AWARD OF COMPENSATORY AND PUNITIVE DAMAGES.

B. SECOND CLAIM FOR RELIEF

PLAINTIFF WAS SUBJECTED TO CRUEL AND UNUSUAL PUNISHMENT IN VIOLATION OF THE EIGHTH AMENDMENT RIGHT TO THE CONSTITUTION, WHEN DENIED THE RIGHT TO BE FREE FROM DELIBERATE INDIFFERENCE, INTENTIONAL DENIAL OF MEDICAL CARE, BEING SUBJECTED TO DELIBERATE INDIFFERENCE, AND FAILURE-TO-PROTECT.

AND TO INTERVENE; *"INCLUDING VIOLATION OF PLAINTIFFS' EIGHTH AMENDMENT DUE TO EXCESSIVE FORCE, CAUSING SEVERE INJURIES."*

71. PLAINTIFF JACQUES'S REALLEGES AND INCORPORATES BY REFERENCE EACH OF THE GENERAL ALLEGATIONS OF PARAGRAPHS 1 THROUGH 66, INCLUSIVE, AND PARAGRAPHS 67 through 70, INCLUSIVE, OF THE FIRST CLAIM, AS IF ALLEGED HEREIN.

72. DEFENDANTS QUICK, BENDER, SHEETS, PIERCE, AND LARIOS VIOLATED PLAINTIFFS EIGHTH AMENDMENT RIGHT TO BE PROTECTED FROM CRUEL AND UNUSUAL PUNISHMENT IN THE FORM OF EXCESSIVE FORCE, BY THEIR UNNECESSARY AND WANTON INFLICTION OF PAIN. (SEE PARAGRAPHS 25-43.)

73. DEFENDANTS QUICK, BENDER, SHEETS, PIERCE, AND LARIOS ALL VIOLATED PLAINTIFFS EIGHTH AMENDMENT, WHEN THEY USED FORCE THAT WAS EXCESSIVE AND NOT APPLIED IN AN EFFORT TO MAINTAIN OR RESTORE DISCIPLINE, BUT WAS USED TO MALICIOUSLY AND SADISTICALLY CAUSE HARM. (SEE PARAGRAPH 25-43.)

74. DEFENDANTS QUICK, BENDER, SHEETS, PIERCE, AND LARIOS HAD NO JUSTIFICATION TO USE EXCESSIVE FORCE AGAINST PLAINTIFF WHO WAS SECURED IN FULL WAIST CHAIN RESTRAINTS. WAS NOT AT ANYTIME A THREAT TO EITHER THE SAFETY OF STAFF OR INMATES, AND THERE WAS NO "LEGITIMATE PENOLOGICAL PURPOSE" TO JUSTIFY THEIR EXCESSIVE FORCE. (SEE PARAGRAPHS 25-43.)

75. DEFENDANTS BORDEWICK WHO ENCOURAGED AND WATCH HIS SUBORDINATES USE EXCESSIVE FORCE AGAINST PLAINTIFF, AS AN OBSERVER AND SUPERIOR OFFICER, HAD A MANDATED DUTY TO INTERVENE AND STOP THE EXCESSIVE FORCE FROM CONTINUING DUE TO HIS FAILURE TO INTERVENE, HE IS LIABLE FOR THE INJURIES THAT RESULTED, THAT PLAINTIFF SUSTAINED. (SEE PARAGRAPHS 25-43.)

76. DEFENDANT BORDEWICK WAS THE SUPERVISOR AND BYSTANDER PRESENT DURING THE ATTACK. HE DID NOTHING TO STOP IT, OR INTERVENE, IN FACT HE ENCOURAGED IT IN SPITE, OF HIM HAVING AN "REALIST OPPORTUNITY" TO PREVENT IT, HOWEVER, FAILED TO. HIS ACTIONS AND INACTIONS AS A SUPERVISOR AND SERGEANT CAUSED AND CONTRIBUTED TO THE ATTACK PLAINTIFF WAS SUBJECT TO AT THE HANDS OF THE DEFENDANTS. (SEE PARAGRAPHS 27-54.)

77. **DEFENDANT** SHOCK A LICENSED MEDICAL EMPLOYEE TASKED WITH THE RESPONSIBILITY OF PROVIDING INMATES MEDICAL CARE, FAILED TO PROVIDE PLAINTIFF ANY MEDICAL CARE WHATSOEVER; THUS VIOLATING PLAINTIFFS EIGHTH AMENDMENT RIGHT GUARANTEED BY THE U.S. CONSTITUTION.

78. ALL AND EACH OF THE DEFENDANTS IN THIS MATTER FAILED TO PROVIDE MEDICAL CARE, DESPITE THEM ALL WITNESSING PLAINTIFFS INJURIES, PLAINTIFF REQUESTING MEDICAL CARE, THE PHYSICAL DISCOMFORT PLAINTIFF WAS EXPERIENCING REFUSING TO ALLOW PLAINTIFF TO USE THE RESTROOM FACILITIES, UNSUPERVISED WHILE IN RESTRAINTS THAT WERE EXCESSIVELY TIGHT AND CAUSING PHYSICAL DISCOMFORT, THUS FAILING-TO-PROTECT PLAINTIFF, AND SUBJECTING PLAINTIFF TO DELIBERATE INDIFFERENCE, TO HER SERIOUS MEDICAL NEED AND SAFETY. (SEE PARAGRAPHS 32-54.)

79. DEFENDANTS BORDEWICK, QUICK, BENDER, SHEETS, PIERCE, LARIOS, THAO, AND SHOCK ALL WERE DELIBERATE INDIFFERENT TO PLAINTIFFS HEALTH AND SAFETY DESPITE, THAT EACH OF THE DEFENDANTS "KNOWING THAT PLAINTIFF FACED A SUBSTANTIAL RISK OF SERIOUS HARM AND DISREGARDED THAT RISK BY FAILING TO TAKE REASONABLE MEASURES TO ABATE IT". (SEE PARAGRAPHS 25-65.)

80. EACH AND ALL DEFENDANTS IN PARAGRAPH 79, KNEW ABOUT A SUBSTANTIAL RISK OF SERIOUS HARM TO PLAINTIFF. SHE PUT THE DEFENDANTS ON NOTICE OF THOSE RISK TO HERSELF. SHE SPECIFICALLY DESCRIBED THE RISK AND REQUESTED ACTION, TO NO AVAIL. DEFENDANTS FAILED TO MAKE A GOOD-FAITH EFFORT TO INVESTIGATE THE PROBLEM AND FIX IT. THE DEFENDANTS RESPONSE IN LIGHT OF

THE INFORMATION THEY POSSESSED AT THE TIME, THE PRACTICAL LIMITATIONS OF THEIR POSITION, AND ALTERNATIVE COURSES OF ACTION THAT WOULD HAVE BEEN APPARENT TO AN OFFICIAL IN THEIR POSITION. (SEE PARAGRAPHS 25-65.)

81. EACH DEFENDANT IN PARAGRAPH 79, KNEW PLAINTIFF HAD BEEN EXPOSED TO A SUBSTANTIAL RISK OF SERIOUS HARM. THEIR FAILURE-TO-PROTECT RESULTED IN PLAINTIFF BEING INJURED AS THE RESULT OF BEING ASSAULTED BY THE DEFENDANTS.

82. DEFENDANTS WRONGFUL ACTIONS ALLEGED HEREIN ARE IN VIOLATION OF 42 U.S.C. SECTION 1983 BECAUSE THEY HAVE DEPRIVED PLAINTIFF OF HER RIGHTS, BENEFITS AND PRIVILEGES SECURED BY THE UNITED STATES CONSTITUTION.

83. EACH DEFENDANT KNEW OR SHOULD HAVE KNOWN THAT THEIR CONDUCT, ATTITUDE AND ACTIONS CREATED A CONSTITUTIONAL VIOLATION OF PLAINTIFF'S RIGHTS; BECAUSE THEIR ACTIONS WERE WILLFUL, INTENTIONAL, MALICIOUS, WANTON, AND DESPICABLE IN CONSCIOUS DISREGARD OF PLAINTIFF'S CONSTITUTIONAL FEDERALLY PROTECTED GUARANTEED PROTECTED RIGHTS, ENTITLING PLAINTIFF TO AN AWARD OF COMPENSATORY AND PUNITIVE DAMAGES.

VII. PRAYER FOR RELIEF

84. WHEREFORE, PLAINTIFF RESPECTFULLY PRAYS FOR RELIEF AS FOLLOWS:

A. ISSUE A DECLARATION JUDGMENT THAT THE DEFENDANTS' ACTIONS COMPLAINED OF HEREIN VIOLATED PLAINTIFF'S RIGHT UNDER THE UNITED STATES CONSTITUTION AND OTHERWISE ALLEGED HEREIN;

B. AWARD PLAINTIFF COMPENSATORY AND PUNITIVE DAMAGES, IN AN AMOUNT TO BE DETERMINED AT TRIAL;

C. DEMAND FOR JURY TRIAL ON ALL ISSUES TRIABLE BY JURY;

D. AWARD PLAINTIFF THE COST OF SUIT, AND RECOVER ACTUAL COSTS FOR EXPENSE REASONABLY INCURRED 28 U.S.C. 1920;

E. GRANT PLAINTIFF SUCH OTHER AND FURTHER RELIEF AS THE COURT DEEMS JUST AND PROPER.

DATED: 12/5/2024

, RESPECTFULLY SUBMITTED,



VIII. VERIFICATION

I DECLARE I HAVE READ THE FOREGOING COMPLAINT AND HEREBY VERIFY THAT THE MATTERS ALLEGED THEREIN ARE TRUE, EXCEPT AS TO MATTERS ALLEGED ON INFORMATION AND BELIEF, AND, AS TO THOSE, I BELIEVE THEM TO BE TRUE. I CERTIFY UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT. EXECUTED AT SALINAS VALLEY STATE PRISON, IN SOLEDAD, CALIFORNIA, ON THIS 16th*, DAY OF NOVEMBER, 2023. ("ON THIS NOVEMBER 18TH, DAY, 2024.")

RESPECTFULLY SUBMITTED,



ATTN: PLEASE SEE PARAGRAPH 58. AT SVSP THERE IS A LAW LIBRARY SHORTAGE, SHE ONLY COMES ON THURSDAY. 11/21/24 and 11/28/24, NO LAW LIBRARY.

PROOF OF SERVICE BY MAIL

BY PERSON IN STATE CUSTODY

(Fed. R. Civ. P. 5; 28 U.S.C. § 1746)

I, JACQUES, declare:

I am over 18 years of age and a party to this action. I am a resident of SVSP

SOLICORD, CALIFORNIA Prison,

in the county of SOLICORD - SVSP,

State of California. My prison address is: SALINAS VALLEY STATE PRISON,

PO. BOX 1050, SOLICORD, CALIFORNIA 93960-1050

On 12/8/24
(DATE)

I served the attached: SENDING 33 PAGES TOTAL
COMPLAINT I FILED ON 11/16/23, THAT NEVER MADE

IT TO COURT "EASTERN DISTRICT. AND FOR THAT I FILED ONE A NOT TAPING ENVEL."
(DESCRIBE DOCUMENT) # 18/120

on the parties herein by placing true and correct copies thereof, enclosed in a sealed envelope, with postage thereon fully paid, in the United States Mail in a deposit box so provided at the above-named correctional institution in which I am presently confined. The envelope was addressed as follows:

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on 12/8/24
(DATE)

[Signature]
(DECLARANT'S SIGNATURE)

GRIEVANCE

CDCR 602-1 (Rev. 01/22)

Page 1 of 2

OGT Log No: <u>481820</u>	Date Received: <u>NOV 20 2023</u>
Decision Due Date: _____	
Categories: _____	

Claimant Name: MR. JACOBS, MICHAEL CDCR #: 1X-5885Institution/Parole Region: SLSP Current Housing/Parole Unit: DS/B#118Use this form to file a complaint with the Department.

In order for the Department to understand your complaint, please answer all of the following questions:

- What is the nature of your complaint?
- When and where did the complaint occur?
- Who was involved?
- Which specific people can support your complaint?
- Did you try to informally resolve the complaint?
- What rule or policy are you relying on to make your complaint?
- What specific action would resolve your complaint?

NOTE: Attach documents that help support your complaint (identify the documents if you do not have them).

ON NOVEMBER 16, 2023, AT APPROXIMATELY 2100-2130 HOURS, % GOMEZ APPROACHED MY ASSIGNED HOUSING. I INFORMED HIM I HAD LEGAL MAIL. I EMPLOY TWO ENVELOPES, SO % GOMEZ HAD A CLEAR VIEW INTO THE ENVELOPES CONTENTS. % GOMEZ CLEARED ME TO SEAL MY ENVELOPES WHICH WERE LEGAL MAIL AND CONFIDENTIAL CORRESPONDENCE. ONE OF TWO OF MY ENVELOPES UNSEALED I ASKED HIM FOR TAPE TO SEAL MY ENVELOPE % GOMEZ RESPONDED "HE DON'T HAVE TAPE IN THE OFFICE". I REPLIED "CAN I USE THE STAPLER SO I CAN STAPLE MY LEGAL SHUT." % GOMEZ RESPONDED "HE DIDN'T HAVE ONE" % GOMEZ EXPLICITLY STATED "HE WOULD TAKE MY LEGAL MAIL TO THE OFFICE TO SEAL." I REPLIED EXPLICITLY SAYING "WHEN DOING LEGAL YOU SUPPOSE TO HAVE TAPE SO YOU CAN SEAL OUR LEGAL MAIL" % GOMEZ RESPONDED "I EXPLICITLY STATED" SO WHEN YOU TAKE OUR LEGAL TO THE OFFICE YOU DON'T TAPE IT TO SEAL IT SHUT WHICH YOUR SUPPOSE TO. WHEN YOU DO LEGAL MAIL YOUR SUPPOSE TO HAVE THE TAPE WITH YOU. I AM GOING TO BE WRITING THIS UP." % GOMEZ EXPLICITLY STATED "I DON'T HAVE TIME FOR YOU. I AM WRITING YOU UP FOR DISRESPECT

OF STAFF".

ACTION OR ADMINISTRATIVE REMEDIES? PER THE CAL. CODE OF REGS, TITLE 15 § 3141, SUBD. (9) CONFIDENTIAL CORRESPONDENCE IS A RIGHT GUARANTEED BY LAW.

IN THIS INSTANCE THERE IS AN ACTIVATED BODY WORN CAMERA ATTACHED TO YO GOMEZ VEST. THE PURPOSE OF THE "BWC" IS FOR TRANSPARENCY.

THIS IS THE SECOND TIME OFFICER GOMEZ HAS FILED A FALSE DOCUMENTED REPORT (CDR-RVR 115) AGAINST ME; VIOLATING 118.1 PEACE OFFICERS; FAKE REPORT, AND, 134 PREPARING FALSE DOCUMENTARY EVIDENCE.

AT NO TIME DID I EVER DISRESPECT OFFICER GOMEZ, I AM ENTITLED TO OBJECT^{TO} AND/OR CHALLENGE, ~~THE~~ CONSTITUTIONAL VIOLATIONS OF MY GUARANTEED FEDERAL RIGHTS, INCLUDING VIOLATIONS OF THE LAW

DISRESPECT OF STAFF CONSTITUTES THE USE VULGAR OR OBSCENE LANGUAGE, WHICH AT NO TIME I USED.

I REQUEST YO GOMEZ BODY WORN CAMERA SPECIFICALLY AT 2100-2130 HOURS BE PERSEVERED FOR THE PURPOSE OF CORROBORATING MY CLAIMS, RVR DISCIPLINARY HEARING WHICH WILL BE CENTRAL TO MY DEFENSE, CIVIL LITIGATION 42 U.S.C. § 1983, AND AIMS INVESTIGATION

~~AND~~ I ALSO REQUEST ON NOV. 16, 2023 - NOV. 17, 2023, A PRIOR 602 GRIEVANCE WTS SUBMITTED. I REQUEST TO WITHDRAW THAT GRIEVANCE (IT WTS MY ROUGH DRAFT) AND REPITE WITH THIS ONE

Claimant Signature: _____



Date Signed: _____

NOV. 16-2023

OOA Review

Imminent Risk: Y/N
 Comment: _____
 CUG: Y/N
 Comm: _____
 Initials: SP

OOA REC

DEPARTMENT OF CORRECTIONS AND REHABILITATION

JAN 22 2024

Page 1 of 2

STATE OF CALIFORNIA
APPEAL OF GRIEVANCE
 CDCR 602-2 (Rev. 01/22)

STAFF USE ONLY	OGT Log No: 000000480769	Date Received: _____
	Decision Due Date: _____	
	Categories: _____	

Claimant Name: JACQUES, MICHAEL EUZEL CDCR #: AX5885

Institution/Parole Region: _____ Current Housing/Parole Unit: _____

STAFF USE ONLY

Use this form to appeal a decision or a remedy by the Office of Grievances.

Do not include new complaints on this form, they must first be filed with the Office of Grievances on a Form 602-1.

OGT Log No: 000000480769 Claim No: _____

Explain the reason for your appeal. Be as specific as you can.

I am dissatisfied with the response I was given because SVSP, CONTINUES TO ALLOW C/O A. GOMEZ, TO VIOLATE MY CONSTITUTIONAL RIGHTS...
I RECEIVED AN OOG-DECISION, INDICATING THAT GOMEZ, NEVER FILED AN RVR AGAINST ME,
AS HE THREATEN, SO HE VIOLATED NO POLICY. C/O GOMEZ, WHILE WEARING HIS ACTIVATED
BODY-WORN CAMERA, AS REQUIRED BY CDCR-BWC POLICY, DID VIOLATE CDCR POLICY BY
EXPLICITLY STATING "HE WOULD WRITE ME UP FOR DISRESPECT OF STAFF". TO THREATEN
ME WITH A FALSE RVR AND FALSE DOCUMENTARY EVIDENCE, IS IN VIOLATION OF 118.1.
PEACE OFFICER; FALSE REPORTING AND 134 DOCUMENTARY EVIDENCE.

This form shall be submitted by mail to:
 Office of Appeals
 Department of Corrections and Rehabilitation
 P.O. Box 942883
 Sacramento, CA 95811

IMPORTANT:

The Office of Appeals will consider all of the supporting documentation you previously submitted to the Office of Grievances when reviewing your appeal, but will not consider any new documentation.

Therefore, it is recommended you not attach any documentation to this form.

Furthermore, any documentation you attach to this form will not be returned to you.

Claimant Signature: [Signature]

Date Signed: JANUARY 14, 2024

OOA RECEIVED

STATE OF CALIFORNIA

APPEAL OF GRIEVANCE

CDCR 602-2 (Rev. 01/22)

CONTINUATION PAGE

DEPARTMENT OF CORRECTIONS AND REHABILITATION

JAN 22 2024

Page 2 of 2

OGT Log No: 000000480769

Claim No: _____

Explain the reason for your appeal. Be as specific as you can.

I am dissatisfied with the response I was given because C/O A.GOMEZ, HAS ALREADY FILED A FALSE RVR (LOG#7332238), AGAINST ME, WHICH SVSP INTENTIONALLY DESTORIED THE BWC/AVSS EVIDENCE DESPITE, ME REQUESTING TO REVIEW THE FOOTAGE PRIOR TO THE DISCIPLINARY HEARING, TO HAVE IT PRESENT AT THE HEARING, TO PERSEVERE THE FOOTAGE, INSPITE OF FILING A 602-1, TO ENSURE MY REQUEST WERE GRANTED. (LOG#457066)

AS INTERPRETED UNDER DOM SECTION 47040.8, SUBD. (a)(6-7), ME ALLEGING STAFF MISCONDUCT AUTOMATICALLY PERSEVERES C/O A.GOMEZ, BODY-WORN CAMERA.

I REQUEST THAT C/O GOMEZ, BODY-WORN CAMERA, BE PERSEVERED, PAST THE 90-DAYS ALLOTTE

~~RECORDED OVER...~~ I'LL BE FILING A 42 U.S.C. SECTION 1983
FEDERAL COMPLAINT, THE BWC/AVSS WILL BE USED AS EVIDENCE, PERTAINING TO THIS 602
LOG#480769



CALIFORNIA DEPARTMENT of
Corrections and Rehabilitation

OFFICE OF APPEALS DECISION

Offender Name: JACQUES, MICHAEL EUZEL

Date: 03/21/2024

CDC#: AX5885

Current Location: SVSP-Facility D

Current Area/Bed: D 008 1 - 118001L

Log #: 000000480769

Claim # 001

Received at Institution/Parole Region: Salinas Valley State Prison

Submitted to Facility/Parole District: SVSP-Facility D

Housing Area/Parole Unit:

Category: Offender Discipline

Sub-Category: Other Discipline Issue - NOS

I. ISSUE ON APPEAL

It is appellant's position that, on November 16, 2023, Correctional Officer Gomez collected confidential mail at appellant's cell door but did not have tape to seal the envelope and, when appellant objected, Gomez stated, "I am going to write you up for disrespect of staff." Appellant asserts body-worn camera footage needs to be retained for appellant's defense and investigation into filing false reports.

II. RULES AND REFERENCES

A. CONTROLLING AUTHORITY

Title 15, sections 3312(a)(1), 3483(g), 3485(g), 3486.1

B. DOCUMENTS CONSIDERED

Offender Grievance Tracking Log No. 480769

III. REASONING AND DECISION

Office of Grievances received this grievance on November 20, 2023, and Centralized Screening Team appropriately deemed this claim routine, as appellant describes no specific action or statement that meets the criteria of staff misconduct. Strategic Offender Management System does not indicate appellant received a rules violation report with a violation date of November 16, 2023. Pursuant to Title 15, section 3312(a)(1), staff may respond to minor misconduct by verbal counseling. When verbal counseling achieves corrective action, a written report of the misconduct or counseling is unnecessary. Based on the preponderance of evidence available at time of review, Office of Grievances' decision is proper. Therefore, the claim is denied.

IV. REMEDY

Your claim has been denied. Therefore, there is no applicable remedy.

Decision: Denied

After a thorough review of all documents and evidence available at the time of this written decision, it is the order of the Office of Appeals that this claim is denied. This decision exhausts the administrative remedies available to the claimant within CDCR.

Staff Signature	Title	Date, Time
H. Moseley [MOHO002]	Reviewing Authority	03/21/2024